IN THE HIGH COURT OF JUDICATURE AT, BILASPUR (CHHATTISGARH)

W.P. No. 694 of 2002

Petitioner : Rama Gond S/o Achhu Gond
Aged 35 years, R/o village,
Neuargaon Khurda, Tahsil and
District - Kawardha (C.G.)

-V/s-

Respondents :

1) Gram Panchyat
Neuargaon Khurda, Tahsil and
Distt. Kawardha (C.G.) Through - Sarpanch

2) Chief Executive Officer and
Additional Collector,
Jila Panchayat, Kawardha.

3) Collector, Kawardha.
District - Kawardha (C.G.)

4) Additional Commissioner, Raipur
Division, Raipur.

5) State of Chhattisgarh. Through
the Collector of Distt Kawardha

P.R. No. 694/02
Presented by Shri ...
dated ...

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 694/ सन् 2002

विरुद्ध

आदेश का दिनांक आदेश के सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.07.2003

Shri Ajit Singh, counsel for the petitioner.

Shri Ranbir Singh, Govt. Adv. for the State.

Shri Prashant Jaiswal, counsel for the Caveator-respondent no.1.

The challenge in this writ petition is to the order dated 14.02.2002 [Annexure P-8] dismissing the appeal preferred by the petitioner against the order of Chief Executive Officer, Jila Panchayat, Kawardha whereby the lease granted in favour of the petitioner has been cancelled.

It is not disputed that Condition No.13 of the lease deed prohibits the leaseholder from entering into contract with any other person. On an allegation being made that the petitioner has contravened the said condition, a show cause notice was issued to and an enquiry was conducted against the petitioner. In that enquiry it was held that the petitioner in whose favour the lease was granted had, in contravention of Condition No.13, entered into a partnership agreement with Bhagatram and Dakor Singh. As a matter of fact and, as the impugned order discloses, the fact

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that the petitioner lessee had entered into a partnership agreement with Bhagatram and Dakor Singh was admitted by him in his evidence. It is not disputed that the lease was cancelled after notice and after giving a due opportunity of hearing to the petitioner. An appeal preferred by the petitioner has been rejected.

In view of the factual finding arrived at, the Court is of the opinion that the order impugned does not suffer from any illegality so as to warrant any interference by way of this writ petition. Accordingly, the petition stands disposed.

Sd/-
P.C.Naik
Judge

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